

COUNCILMAN DAVE PRELESKI, CHAIR, ORDINANCE COMMITTEE

**PROPOSED AMENDMENTS TO CODE OF ORDINANCES PERTAINING TO
ARTICLE XIII. BRISTOL DEVELOPMENT AUTHORITY AND BRISTOL
DOWNTOWN DEVELOPMENT CORPORATION AND ARTICLE XIV –
ENTERPRISE ZONE ASSESSMENTS**

MOTION TO WAIVE READING

In accordance with Section 21(f) of the Charter of the City of Bristol, I hereby MOVE that the reading of the proposed amendments to the Code of Ordinances to be introduced this date pertaining to Article XIII – Bristol Development Authority and Bristol Downtown Development Corporation and Article XIV – Enterprise Zone Assessments.

MOTION TO INTRODUCE

In accordance with Section 21(f) of the Charter of the City of Bristol, the following amendments to the Code of Ordinances are hereby INTRODUCED.

I hereby MOVE that the time and place of Tuesday, February 4, 2020 at 4:30 p.m., in the First Floor Meeting Room, City Hall, 111 North Main Street, Bristol, Connecticut be set for the holding of a public hearing thereon by the Ordinance Committee, and that the City Clerk publish notice of said public hearing and the proposed amendments to the Code of Ordinances as required by City Charter.

Underscored text is proposed to be added. [Bracketed] text is proposed for deletion.

**ARTICLE XIII. – [BRISTOL DEVELOPMENT AUTHORITY AND BRISTOL DOWNTOWN
DEVELOPMENT CORPORATION]⁽⁶⁾ ECONOMIC AND COMMUNITY DEVELOPMENT
DEPARTMENT**

Footnotes:

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Editor's note— An ordinance adopted Jan. 18, 2007, amended the Code by changing the title of Art. XIII from "Bristol Development Authority" to Bristol Development Authority and Bristol Downtown Development Corporation".

Editor's note— An ordinance adopted Oct. 6, 1993, repealed Art. XIII, §§ 18-180—18-192, pertaining to the Bristol Development Authority and enacted, in lieu thereof, §§ 18-180—18-186, providing for the Bristol Redevelopment Agency. Subsequently, an ordinance adopted Dec. 13, 1993, repealed §§ 18-180—18-186, pertaining to the Bristol Redevelopment Agency and enacted, in lieu thereof, §§ 18-180—18-191, providing for the Bristol Development Authority.

Sec. 18-180. - Repeal of prior agency.

[Former Article XIII, Bristol Redevelopment Agency,] sections 18-180 through 18-186, inclusive, of the Code of Ordinances of the City of Bristol in effect up to the

adoption of this article, are repealed and the Bristol Redevelopment Agency therein established and the appointment of members thereto are terminated.

(Ord. of 12-13-93)

Note— See the editor's footnote to Art. XIII.

Sec. 18-181. - Establishment.

In accordance with the Connecticut General Statutes, Section 8-126, Section 8-188, Section 7-136, and Section 7-137, there is hereby established the [Bristol Development Authority] Economic and Community Development Department to perform all duties, functions and responsibilities and exercise the power under Connecticut General Statutes, Chapter 130 and 132 as amended or as the same may be amended in the future, [except for those duties, functions, responsibilities and powers assigned to the Bristol Downtown Development Corporation hereunder,] and exercise the powers under Connecticut General Statutes, Sections 7-136 and 7-137 as amended or as the same may be amended in the future. Said [Bristol Development Authority] Economic and Community Development Department shall perform all duties, functions and responsibilities previously performed by or delegated to the Bristol Economic Development Commission, the Bristol Redevelopment Agency, the office of community development, and the former Bristol Development Authority.

(Ord. of 12-13-93; Ord. of 1-18-07)

Sec. 18-182. - Powers and duties.

The purposes and powers of the [Bristol Development Authority] Economic and Community Development Department shall be:

- (a) To have the duties and exercise the powers granted pursuant to Chapters 130 and 132 of the Connecticut General Statutes as amended or as the same may be amended in the future[, except for those duties, functions, responsibilities and powers assigned to the Bristol Downtown Development Corporation hereunder];
- (b) To have the duties and exercise the powers granted pursuant to Sections 7-136 and 7-137 of the Connecticut General Statutes as amended or as the same may be amended in the future;
- (c) To perform all duties and responsibilities concerned with the supervision and disposition of Redevelopment Projects, Conn. R-38, Conn. R-63, Conn. R-73 and 229 Technology Park (Middle Street Extension Project), and any other project assigned to it by the city council;
- (d) To function as the successor agency to the Bristol Redevelopment Agency and the former Bristol Development Authority in all dealings with the United States Department of Housing and Urban Development and the State Department of Economic and Community Development in connection with any urban renewal project in the City of Bristol;
- (e) To function as the successor agency to the former office of community development and the former Bristol Development Authority in the implementation and administration of the Community Development Block Grant Program after annual approval by the city council, and with the State Department of Economic and Community Development in the City of Bristol, and in all dealings with the U.S. Department of Interior and the Connecticut Department of Environmental Protection in connection with any open space and land acquisition project;

- (f) To function as the successor agency to the former Bristol Economic Development Commission, the former office of community development, and the former Bristol Development Authority in all dealings with the Connecticut Department of Economic and Community Development in connection with any industrial and business development project;
- (g) To manage, plan and supervise the planned Northwest Industrial Park and to dispose of property therein;
- (h) To have general supervisory powers, management and control over any project previously undertaken or supervised by the former economic development commission, the former Bristol Redevelopment Agency, the former office of community development, and the former Bristol Development Authority;
- (i) To coordinate, plan, supervise and manage all future city industrial/commercial development projects[, except for those duties, functions, responsibilities and powers assigned to the Bristol Downtown Development Corporation hereunder]. A development project means any project conducted by a municipality for the assembly, improvement and disposition of land or buildings or both to be used principally for industrial or business purposes and includes vacated commercial plants which are buildings formerly used principally for business or industrial purposes of which more than fifty (50) percent of the usable floor space is, or which is anticipated, within eighteen (18) months, shall be, unused or substantially underutilized;
- (j) To seek appropriation for its necessary expenses, appoint, hire and employ employees necessary for the discharge of its duties, in accordance with the usual personnel and financial practices of the City of Bristol[. Current personnel of the abolished and consolidated agency shall remain as employees under the direction of the Bristol Development Authority until said authority establishes a permanent organizational structure];
- (k) To dispose of any real property transferred to it or acquired by it. It shall be exempt from competitive bidding purchasing procedures of the city as said procedures relate to the sale of real property by the city;

The [Bristol Development Authority] Economic and Community Development Department shall solicit proposals for the sale, lease or transfer of any building and/or real property, and shall advertise the availability of any parcel in a newspaper of general circulation in the City of Bristol and a newspaper of general circulation in the State of Connecticut. The [authority] Economic and Community Development Department shall be required to inquire into the financial status of any firm or individual selected to purchase land, and shall transmit the financial data to the city council.

- (l) To acquire real property by purchase, lease, exchange or gift or by eminent domain with the approval of the City Council pursuant to the provisions of Sections 8-128 and 8-193 of the Connecticut General Statutes[, except for those acquisitions by the Bristol Downtown Development Corporation hereunder];
- (m) To function as a housing site development agency in dealings with the State Department of Economic and Community Development;
- (n) To function as the successor agency to the Bristol Redevelopment Agency and the former Bristol Development Authority.

(Ord. of 12-13-93; Ord. of 1-18-07)

Sec. 18-183. - Appointment.

The [Bristol Development Authority] Economic and Community Development Department shall be composed of nine (9) resident electors of the city, to be appointed by the mayor with approval of the city council. The mayor and one (1) member of the city council shall be members, whose term of appointment to the [Bristol Development

Authority] Economic and Community Development Department shall coincide with the member's council term. Two (2) of the remaining members shall be initially appointed to serve a one-year term, two (2) shall be initially appointed to serve a three-year term, two (2) shall be initially appointed to serve a four-year term and one (1) shall be initially appointed to serve a five-year term. After initial appointment, all appointments of noncouncil members shall be for five (5) years. Any vacancy shall be filled for the unexpired term by the appointment of the mayor with the approval of the city council.

(Ord. of 12-13-93)

Sec. 18-184. - Director.

There shall be an executive director of the [Bristol Development Authority] Economic and Community Development Department, who shall be nominated by the mayor and appointed by the city council. The director shall serve for a four-year term. During the course of any term, the director may only be removed for cause by majority vote of the city council and by the affirmative vote of the [Bristol Development Authority] Economic and Community Development Department in accordance with section 18-185.

(Ord. of 12-13-93)

Sec. 18-185. - Voting.

Action by the [Bristol Development Authority] Economic and Community Development Department shall be taken only on a majority vote of all members of the authority. Five (5) members shall constitute a quorum of the board.

(Ord. of 12-13-93)

Sec. 18-186. - Compensation.

Members of the [Bristol Development Authority] Economic and Community Development Department shall serve without compensation, but may be reimbursed for necessary expenses in accordance with city ordinances and regulations.

(Ord. of 12-13-93)

Sec. 18-187. - Officers.

A chairperson, vice-chairperson and a secretary shall be elected by the members of the [Bristol Development Authority] Economic and Community Development Department from among their members.

(Ord. of 12-13-93)

Sec. 18-188. - Meetings.

The [Bristol Development Authority] Economic and Community Development

Department is empowered to determine the time and place of its meetings and agenda.

(Ord. of 12-13-93)

Sec. 18-189. - Partisan representation.

No more than six (6) members of the [Bristol Development Authority] Economic and Community Development Department shall be members of the same political party. The mayor and city council person who are members of the [Bristol Development Authority] Economic and Community Development Department shall not be from the same political party unless the mayor and all council persons are members of the same political party.

(Ord. of 12-13-93)

Sec. 18-190. - Removal of member for absenteeism.

Absence of members from regularly scheduled meetings of the [Bristol Development Authority] Economic and Community Development Department shall be cause for removal in accordance with section 2-9 of the Code of Ordinances of the City of Bristol, or as the same may be amended in the future. The resulting vacant position shall be filled by appointment of the mayor with approval of the city council, in accordance with the provisions of section 18-183, within forty-five (45) days of removal.

(Ord. of 12-13-93)

Sec. 18-191. - Financial reports.

The [Bristol Development Authority] Economic and Community Development Department shall submit quarterly financial reports to the city council, detailing the status of each development project.

(Ord. of 12-13-93)

Sec. 18-192. - Downtown Bristol Tax Increment Financing District.

- (a) *Purpose.* The Connecticut General Statutes Chapter 105b (the "Act") authorizes municipalities in Connecticut to create tax increment financing ("TIF") districts for the purpose of incentivizing economic development and infrastructure, and supporting employment, housing, economic growth and other projects.
- (b) *Findings and determinations.* The city council hereby finds and determines that:
 - (1) The establishment of the Downtown Bristol Tax Increment Financing District (the "district"), the boundaries of which are included in the Downtown Bristol Tax Increment District Master Plan ("district master plan") in the form submitted to the city council, and as on file with the [Bristol Development Authority] Economic and Community Development Department, will not be in conflict with the provisions of the City Charter;
 - (2) The creation of the district and the district master plan will contribute to the economic growth and well-being of the city;
 - (3) The real property within the district is suitable for commercial, residential, mixed use, retail and downtown development; and
 - (4) As shown in the district master plan, the original assessed value of the taxable real property within the district does not exceed ten (10) percent of the total value of taxable real property within the city as of October 1, 2017.
- (c) The city council hereby authorizes creation of the Downtown Bristol Tax Increment Financing District, the boundaries of which are included in the Downtown Bristol Tax Increment District Master Plan ("District Master Plan"), and adopts the district master plan in the form submitted to the city council, and as on file with the [Bristol Development Authority] Economic and Community Development Department.
- (d) The city council hereby authorizes that seventy-five (75) percent of the future increased assessed property values within the district shall be retained as captured assessed value in accordance with the district master plan and up to one hundred (100) percent of the real property tax revenues generated from such captured assessed value may be used to fund the various costs and improvements set forth in the district master plan.
- (e) The mayor of the City of Bristol is hereby authorized and may enter into, in the name and on behalf of the city, such credit enhancement agreements as may be contemplated by the district master plan with such property owners and applicants as may fall within the scope and policies outlined in the district master plan, such agreements to be in such form and to contain such terms and provisions, not inconsistent with the district master plan, as the city council may approve.
- (f) The district master plan may be amended from time to time by the city council as the legislative body of the city.

(Ord. of 9-11-18)

Secs. 18-193—18-199. - Reserved.

ARTICLE XIV. - ENTERPRISE ZONE ASSESSMENTS

Sec. 18-200. - Fixing of residential assessments in enterprise zones.

- (a) Assessments on all residential real property which is improved and which is located in an enterprise zone as designated by the city and approved by the commissioner of economic development, shall be fixed during the period when such area is designated as an enterprise zone. Such fixed assessment shall be for a period of seven (7) years from the time of such improvement and shall defer any increase in assessment attributable to such improvements according to the following schedule:

Percentage of Year increase deferred

First 100

Second 100

Third 50

Fourth 40

Fifth 30

Sixth 20

Seventh 10

- (b) There shall be a benefit floor. Only projects meeting minimum expenditures or scope of work for that zoning or use designation shall receive the assessment benefit herein.

Single-family residential. Thirty-five thousand dollars (\$35,000.00) spent or the complete retrofitting of the home and bringing all aspects up to code, whichever is less. Retrofitting and code improvements are defined in section 18-202(c).

Multifamily residential. Twenty thousand dollars (\$20,000.00) per unit with all units being upgraded or the complete retrofitting of the apartments, improved or retrofitted, whichever is less.

(Ord. of 2-14-95; Ord. of 4-10-95)

Sec. 18-201. - Fixing and deferral of commercial assessments on real property within the enterprise zone and the rehabilitation areas.

- (a) In accordance with provisions of Connecticut General Statutes [Section] 32-71, the assessments on all commercial real property in the said enterprise zone which is improved during the period when such area is designated as an enterprise zone, shall be fixed each year in accordance with a seven-year assessment deferral schedule dating from the time of such improvements with increases in assessments attributable to such improvements deferred as per the following schedule:

Percentage of

Year increase deferred

First 100

Second 100

Third 50

Fourth 40

Fifth 30

Sixth 20

Seventh 10

- (b) There shall be a benefit floor. Only projects meeting minimum expenditures or scope of work for that zoning or use designation shall receive the assessment benefit herein.

Commercial. The cost of complete renovation of a facade to [BDA] Economic and Community Development Department standards including siding and roofing (to be approved in advance by the [BDA] Economic and Community Development Department staff), or one hundred seventy-five thousand dollars (\$175,000.00) spent. Eligible improvements are defined in section 18-202(c).

(Ord. of 2-14-95; Ord. of 4-10-95)

Sec. 18-202. - Fixing and deferral of industrial assessments on real property within the enterprise zone and the rehabilitation areas.

- (a) Improvements of any real property which qualifies as a manufacturing facility under Section 32-9p(d) of the General Statutes shall be eligible for any fixed assessment pursuant to Section 32-9p-5.
- (b) There shall be a benefit floor. Only projects meeting minimum expenditures or scope of work for that zoning or use designation shall receive the assessment benefits herein.

Industrial. The cost of renovation necessary to bring manufacturing buildings to code and ready for substantial use, or one hundred thousand dollars (\$100,000.00) spent, or two hundred fifty thousand dollars (\$250,000.00), spent in demolition and/or environmental review and remediation by the owner.

(c) Eligible improvements include repair, upgrade, or replacement of:

- (1) Roofing; siding (except external insulation systems at grade level such as Drivet or other brand names, or that which obscures the architectural detail of a building); windows; flooring; painting; porches; decks; kitchen replacement; wiring; heating, ventilation and cooling; insulation; paving (except sidewalks); lead paint or asbestos abatement or removal; masonry and foundations; plumbing; and bathrooms.
- (2) The [Bristol Development Authority] Economic and Community Development Department or its designee shall be the final arbiter of qualifications of work to be performed.
- (3) Individuals and companies seeking abatements shall submit plans with their enterprise zone application to the [BDA] Economic and Community Development Department within thirty (30) days of submitting their building permit application. Along with a site plan, there should be drawings of elevations or improvements. A narrative of work to be performed should include a description of current conditions and all work to be performed including materials to be used. The need for professional drawings may be waived if a written description and photographs can clearly illustrate work to be performed. Any project issued a building permit on or after November 1, 1994 and before final state designation shall have until September 30, 1995 to apply.
- (4) Revisions to the dollar value of the benefit floors contained herein should be reviewed periodically and may be changed by a majority resolution of the city council.

(Ord. of 2-14-95; Ord. of 4-10-95)

Sec. 18-203. - Termination of said fixed residential and commercial assessments or adjustments thereto.

(a) Any such fixed assessment shall cease as to:

- (1) Any residential rental property, in any dwelling unit if such property is rented to any person whose income exceeds two hundred (200) percent of the median family income of the city; or
- (2) Any conversion condominium declared after the designation of the enterprise zone if any unit is sold to any person whose income exceeds two hundred (200) percent of the median family income of the city.

- (b) In the event of a general revaluation by the city in the year in which such improvement is completed, resulting in any increase in the assessment on such property, only that portion of the increase resulting from such improvement shall be deferred. In the event of a general revaluation in any year after the year in which such improvement is completed, such deferred assessment shall be increased or decreased in proportion to the increase or decrease in the total assessment on such property as a result of such revaluation.
- (c) No improvements of any real property which qualifies as a manufacturing facility under Section 32-9p(d) of the General Statutes shall be eligible for any fixed assessment pursuant to sections 18-200 and 18-201 of this article.
- (d) If the taxes on the property are not paid within sixty (60) days of payment due date, any remaining exemption granted under this article shall cease.
- (e) Assessment deferral shall only be granted after confirmation of expenditures and/or completion of work by the [BDA] Economic and Community Development Department and other applicable entities.
- (f) Failure of residential property owner to maintain the property in accordance with the standards of the housing code in the city shall constitute reason to cease deferral under this section. Owners of residential rental property or condominium conversions must submit to the city, an affidavit for each rental or condominium unit the occupants (rental property) or owner's (condominium) full name and gross income in the previous tax year. In order to maintain eligibility rental property owners must submit income affidavits annually before September 1.
- (g) Any owner of real property who agrees to rehabilitate such property or construct new multi-family rented housing or cooperative housing on such property located in the rehabilitation area herein designated may, in accordance with provisions of Section 12-65e of General Statutes, make application to the city for an agreement to fix the assessment on the property, during the period not to exceed three (3) years of rehabilitation or construction and for a deferral of any increase in assessment attributable to such rehabilitation or construction for a period not to exceed ten (10) years, after completion of such rehabilitation and/or construction. Such agreements shall be subject to all conditions and constraints contained in Sections 12-65d, 12-65e, and 12-65f of the Connecticut General Statutes.
- (h) The municipality may provide any additional tax abatements or deferrals as it deems necessary for any property located in such an enterprise zone.
- (i) Benefits available under other abatement programs under the City-Town Development Act shall not be combined with this program.
- (j) When a property is transferred, any remaining abatement made under provisions of this article shall remain with the property.

(Ord. of 2-14-95; Ord. of 4-10-95)

Sec. 18-204. - Administration of the enterprise zone and rehabilitation area attendant thereto.

(a) The mayor is hereby authorized and empowered to:

- (1) Designate the appropriate city officers, appointees, agencies and departments to administer the provision of the article and applicable state law and regulations.
- (2) To enter into contracts, in accordance with Section 12-65e of the Connecticut General Statutes with appropriate parties for the fixing of tax assessments on the improvements to qualifying properties in keeping with the intent of the state statutes.
- (3) To request, petition and appeal to local governing bodies, to the State of Connecticut and the U.S. Government for the suspension or waiver of local, state or federal regulations or rules affecting residents or enterprises located within the enterprise zones when he determines that such suspension or waiver is consistent with intent of state law and this article and the suspension or waiver does not contravene the statutory authority of that body.
- (4) To enter into contracts subject to the approval of the city council with appropriate third party agencies, non-profit developers, and consultants and to engage employees and agents to enter into inter-agency agreements in accordance with the charter, ordinances, rules and regulations of the city for the efficient and timely prosecution of the intent of this enactment.
- (5) Recommend that the [Bristol Development Authority] Economic and Community Development Department, zoning, inland wetlands and the planning commissions, develop and adopt design standards appropriate to downtown/residential development and to designate types of qualifying improvements to better effect the goals of the enterprise zone.
- (6) The provisions of this article as it deals with the enterprise zone in Bristol as designated shall be deemed effective as of November 1, 1994.

(Ord. of 2-14-95; Ord. of 4-10-95)